

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                              |   |                    |
|------------------------------|---|--------------------|
| CURTIS NORTHINGTON, JR.,     | ) |                    |
|                              | ) |                    |
| Plaintiff,                   | ) |                    |
|                              | ) |                    |
| v.                           | ) | No. 4:11CV1210 HEA |
|                              | ) |                    |
| ST. LOUIS COUNTY GOVERNMENT, | ) |                    |
|                              | ) |                    |
| Defendant.                   | ) |                    |

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. Rule 12(h)(3) of the Federal Rules of Civil Procedure states: “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

Plaintiff, a resident of the State of Missouri, brings this action for breach of contract against the St. Louis County Government. Plaintiff alleges that he entered into a contract with defendant for three dollars several years ago. Plaintiff states that the face value of the contract today is \$25,000. Plaintiff seeks money damages in the amount of \$100,000.

The Court lacks jurisdiction over this matter because the complaint does not raise a federal question claim under 28 U.S.C. § 1331<sup>1</sup>, nor does the cause of

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<sup>1</sup>Plaintiff’s broad and conclusory assertion that defendant’s actions relating to the alleged breach of contract are in violation of “federal law” is not enough to

action meet the diversity requirements of 28 U.S.C. § 1332, as both parties are residents of Missouri. As a result, the Court will dismiss this matter pursuant to Fed.R.Civ.P. 12(h)(3).<sup>2</sup>

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED** for lack of jurisdiction.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 20th day of July, 2011.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE

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provide the Court with federal question jurisdiction in this matter.

<sup>2</sup>This is the second time the Court has had to dismiss this action for lack of jurisdiction. See Northington v. St. Louis County Government, 4:10CV617 HEA (E.D. Mo.).